

REMARKS / ARGUMENTS

Remarks Regarding Amendments Currently Made to Claims

Claim 1 has been amended to more specifically state that the catalyst has a metal oxide crystallite size, and that the metal oxide crystallite size is from about 40 Å to about 200 Å.

Claims 11 – 25 and 35 – 46 have been cancelled from the application.

Claims 1 – 10 are currently pending in the application.

Remarks Regarding Response to Amendment

The Applicants acknowledge the Examiner's acceptance of the Applicants' 09 May 2007 amendment.

Remarks Regarding Claim Objections Under 37 CFR 1.75(c)

The Examiner has objected to Claim 17 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have cancelled Claim 17 herein. If the Examiner accepts the cancellation of Claims 11 - 25, the objection to Claim 17 will be moot.

Remarks Regarding Informalities and Claims Rejected Under 35 USC §112

Claims 1 – 10, 16 – 17 and 39 are rejected under 35 U.S.C. §112.

The Examiner states that Claim 1 recites the limitation “the metal oxide” and that there is insufficient antecedent basis for this limitation. Claim 1 has been amended to remove the definitive article “the” and reword the claim to allow for use of the indefinite article “a” in reference to “metal oxide crystallite size”. The basis for the rewording of Claim 1 can be found in the specification at page 3, line 23 – page 4, line 3. In view of this amendment, Applicants request that the Examiner remove the objection under 35 U.S.C. §112 with respect to independent Claim 1, and its dependent Claims 2 – 10.

The Examiner states that Claims 16 and 39 included improper Markush terminology. Applicants have cancelled Claims 16 and 39 herein. If the Examiner accepts the cancellation of Claims 11 – 25 and 35 – 46, the rejection of Claim 16 and 39 will be moot.

Remarks Regarding Claims Rejected Under 35 USC §102(b) and 35 USC §103(a)

The Examiner has rejected independent claim 11 and dependent claims 12, 14 – 21, 23, 25 and 35 – 46 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shen et al, U.S. Patent 5,962,367 (“the ‘367 patent”).

The Examiner has further rejected independent claim 11 and dependent Claims 12 – 13, 15 – 21, 23 – 25, 35 – 36 and 38 – 46 under 35 U.S.C 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over Sapienza et al., U.S. Patent 4,396,539 (“the ‘539 patent”).

Applicants have cancelled Claims 11 – 25 and 35 – 46 herein. If the Examiner accepts the cancellation of Claims 11 – 25 and 35 – 46, the rejection of Claims 11 – 21, 23 – 25 and 35 - 46 will be moot.

Applicants respectfully request that a timely Notice of Allowance be issued in this case for pending Claims 1 – 10, as amended herein.

Respectfully submitted,



Joan L. Simunic
Reg. 43,125
Tel: (502) 220-1184
Fax: (502) 222-5413